



PATENT APPLICATION No. 10/660,976
Applicants: Franco Vitaliano and Gordana Vitaliano
Response To Detailed Action Comments of 9/22/06
October 13, 2006, FedEx Air bill # 858896775025

To: USPTO

Art Unit 1631

Response To Detailed Action Comments, Date Mailed: 9/22/2006

A. Regarding the USPTO rejections per 37 CFR 1.75(c) of claims 22-25, and 29-30, the claims are herein amended to resolve their being of improper dependent form.

B. Regarding the USPTO rejections per 35 U.S.C. 112 of claims 40 and 42, the claims are herein amended to specify their metes and bounds.

C. 1. The USPTO has issued rejections per 35 U.S.C.101 of claims 1-21, 26-28, 33-36, 40-42, 44, 48-52, 54-55, 58-59, 62-64, 66, and 68, because, "In the absence of the hand of man, the naturally occurring products are considered non-statutory subject matter....", and,

C.2. The USPTO has issued rejections per 35 U.S.C.102 of claims 1-14, 17-21, 26-27, 33, 44, 48, 51-52, 54-55, 58-59, 62, 64, and 66-68 because they were anticipated by Fujime [Journal of the Physical Society of Japan, 1970, volume 29, pages 416-430], (Tobacco Mosaic Virus), and,

C.3. The USPTO has issued rejections per 35 U.S.C.102 of claims 1-14, 17-21, 26-27, 33, 44, 48, 51-52, 54-55, 58-59, 62, 64, and 66-68 because they were anticipated in light of Namba, et al, [Journal of Molecular Biology, 1989, volume 208, pages 307-325 (Tobacco Mosaic Virus)].

To briefly summarize, the USPTO asserts that the tobacco mosaic virus cited above in C.2 and C.3 is naturally occurring and has structural features similar to natural clathrin protein. The instant invention utilizes the clathrin protein. C2 and C3 also make reference to the use of laser generated photons and X-ray fiber diffraction, respectively. The instant clathrin-based invention is also a laser and source of photons. The USPTO